

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: NAGIAKE *ET AL.*

APPLICATION No.: 10/591,787

FILED: July 30, 2007

FOR: RECOMBINANT VARICELLA-ZOSTER  
VIRUS

EXAMINER:

STACY BROWN CHEN

ART UNIT: 1648

CONF. NO: 3253

Information Disclosure Statement Within Three Months of Application  
Filing or Before First Action – 37 C.F.R. § 1.97(b)

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

**A. Timing of Submission**

This information disclosure is being filed within three months of the filing date of this application or date of entry into the National Stage of an International Application or before the mailing date of a first Office Action on the merits or before the mailing date of a first Office Action on the merits after the filing of a Request for Continued Examination under 37 CFR §1.114, whichever occurs last (37 CFR 1.97(b)(4)). The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

**B. Cited Information**

A copy of reference 1 is enclosed.

**C. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))**

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

**D. Fee Payment**

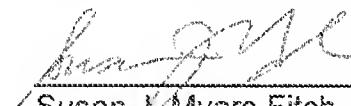
No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-4616.

**E. Patent Term Adjustment (37 C.F.R. § 1.704(d))**

The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,  
King & Spalding LLP

Date: 3 June 2011

  
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Susan J. Myers Fitch  
Registration No. 55,477

Correspondence Address:  
Customer No. 79975